

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33428 of 2026

Arising Out of PS. Case No.-55 Year-2026 Thana- SIRDALA District- Nawada

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Jitu @ Jitendra Rajbanshi, S/o Bharat Rajbanshi, R/o Rabio, P.S. - Sirdala,
Dist. - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 18-05-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

2. Petitioner apprehends his arrest in connection with
Sirdala P.S. Case No. 55 of 2026 registered for the offence
under Section 30(a) Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. The prosecution case is to the effect that the police
got secret information that the accused is selling illegal wine
from his Khalihan, upon which a raid was conducted and one
person managed to flee from the Khalihan and the local persons
and chowkidar disclosed the name of the said person as Jitu @



Jitendra Rajbanshi (petitioner). On search total 110 liters of country made liquor was recovered from the Khalihan of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and no such seizure has been made from his Khalihan. It has further been submitted that the co-villagers, in connivance with the local chowkidar, have falsely implicated this petitioner, who has no concern whatsoever with the alleged seized illicit liquor. It has next been submitted that the liquor has been recovered from an open field which was accessible by all and therefore, the petitioner has falsely been implicated in the said case cannot be ruled out. It has lastly been submitted that the petitioner has one criminal antecedent, but it is not of the offence as alleged in the present case.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Sirdala P.S. Case No. 55 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.



8. It is made clear that the observation, if any, made in
this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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